

REMARKS

Claim 1 has been amended and new claim 18 has been added. Claim 1 has been amended in response to the rejections under 35 U.S.C. §112, second paragraph and to more clearly distinguish the invention from the art of record. Claims 1-3 and 16-18 are pending in the application. Support for the amendments and new claim are found throughout the specification. No new matter has been added by this amendment.

Claims 1-3 and 16-17 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner identified several recitations which lacked antecedent basis and proposed alternate language for applicant's consideration. Applicant has amended the claim as suggested by the Examiner and thanks the Examiner for his assistance in overcoming this rejection. In view of the amendments, applicant respectfully requests that the rejection be withdrawn.

Claims 1-3, 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kajiyama et al. (U.S. Patent No. 6,346,383) in view of Samarov (U.S. Patent No. 5,1456,981). Applicant respectfully traverses this rejection.

As is understood from the above amendments, the present invention provides an apparatus for temperature control of the nucleic acid probe array by use of the heat block "provided with a plurality of holes for inserting microtubes thereinto."

Thus, the invention not only provides a temperature control system which is used for both the microtubes and nucleic acid probe array but also provides a temperature control system for the nucleic acid probe array in a simple and easy way. None of the cited references disclose or suggest the claimed system for reaction of a nucleic acid and the heat conduction adapter as set forth above. Therefore, applicant respectfully requests that the Examiner withdraw the rejection and allow the claims.

Applicant has not independently addressed the rejections of the dependent claims. Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as to why the independent claims from which the dependent claims depend are believed allowable as discussed *supra*, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5069.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: November 1, 2007

By: Andrea Wayda
Andrea L. Wayda
Registration No. 43,979

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700
(212) 415-8701

Telephone
Facsimile